

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
AT JACKSON**

**MARCUS LOVE and  
DANYA LOVE,**

**Plaintiffs,**

**VS.**

**No.**

**JURY DEMANDED**

**ERIE INSURANCE COMPANY,**

**Defendant.**

---

**NOTICE OF REMOVAL**

---

Defendant Erie Insurance Company, ("Erie"), hereby notifies the Judges of the United States District Court for the Western District of Tennessee, the clerk of the Circuit Court of Madison County, Tennessee and Plaintiffs, Marcus and Danya Love, that the action described herein and filed in the Circuit Court of Madison County, Tennessee, is removed to the United States District Court for the Western District of Tennessee, Eastern Division pursuant to 28 U.S.C. § 1441.

1. On December 13, 2016, Plaintiffs, Marcus and Danya Love, filed a civil action bearing Docket No. C-16-355 against the Defendant Erie Insurance Company in the Circuit Court of Madison County, Tennessee. Service of the complaint and summons was made through the Department of Commerce and Insurance by letter dated December 28, 2016, by certified mail. Said letter was sent to Defendant on January 11, 2017 and post-marked on the same date per the attached Exhibit. Defendant received the certified letter containing the summons and complaint on January 16, 2017.

2. This action is filed by Plaintiffs for proceeds allegedly due under a contract of insurance written by Defendant Erie and insuring Plaintiffs' real property and contents in Madison County, Tennessee which allegedly suffered damage on or about May 1, 2015. Plaintiffs also make claim for punitive damages.

3. Petitioner seeks removal of this action to this Court upon the grounds that the controversy is wholly between citizens of different states and involves an amount in controversy which exceeds Seventy-five Thousand Dollars (\$75,000.00), exclusive of the interest and costs, 28 U.S.C. § 1332, as Plaintiffs have demanded an award of compensatory damages not to exceed Three Hundred Thousand Dollars (\$300,000.00).

4. Plaintiffs are residents and citizens of the State of Tennessee and were citizens of the State of Tennessee at the time of the filing of this action and at the time of removal. (Complaint, ¶ 1). Defendant Erie is a corporation incorporated in Pennsylvania, with its principal place of business in Erie, Pennsylvania. (Complaint, ¶ 2). The amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.

5. This notice is filed within the time prescribed by 28 U.S.C. §1446(b).

6. A copy of the Summons, Complaint and certified letter and envelope, being all the papers served upon the Defendant, is attached hereto as **Exhibit 1**.

WHEREFORE, Notice is hereby given that the said civil action number C-16-355 is removed from the Circuit Court of Madison County, Tennessee, to this Court.

Respectfully submitted,

RAINEY, KIZER, REVIERE & BELL, P.L.C.

s/ Russell E. Reviere

Russell E. Reviere (BPR No. 07166)  
Jonathan D. Stewart (BPR No. 023039)  
Attorneys for Defendant  
209 East Main Street  
P. O. Box 1147  
Jackson, TN 38302-1147  
(731) 423-2414  
[rreviere@raineykizer.com](mailto:rreviere@raineykizer.com)  
[jstewart@raineykizer.com](mailto:jstewart@raineykizer.com)

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was forwarded first class U.S. Mail, postage prepaid to Clint Scott, 101 N. Highland Ave., Jackson, Tennessee 38301, counselor of record for Plaintiffs, and/or by electronic means via the Court's electronic filing system.

This the 27<sup>th</sup> day of January, 2017.

s/ Russell E. Reviere